



DEQ UPDATE

August 1996

DEQ UPDATE is a monthly summary of **all** proposed regulations, amendments or repeals currently being considered by DEQ and its citizen boards. Changes in the status of regulations from previous issues of DEQ UPDATE are undefined. Regulations appearing for the first time are marked with an **asterisk (*)**. Dates and schedules in parentheses are best estimates at the time of publication and are subject to change.

DEQ UPDATE is not the formal public notice for environmental regulations. Formal notice for specific regulations appears in The Virginia Register of Regulations, which is published every two weeks and is available at most **public** libraries. For an explanation of Virginia's regulatory adoption process, see the Appendix in the back of DEQ UPDATE. For **copies** of a specific regulation, call (804) 698-4378. For the complete text of a proposed regulation, consult the appropriate edition of The Virginia Register.

DEQ UPDATE is produced by DEQ's office of external affairs. Comments or questions are welcome; call 804-698-4446 or 7-800-592-54 VA. An electronic version of DEQ UPDATE is now available on the Internet. To download it via anonymous File Transfer Protocol, go directly to host **ftp.deq.state.va.us**. UPDATE is in the **pub/general/** directory. DEQ UPDATE and other environmental information **also** can be found at DEQ's World Wide Web site at: **http://www.deq.state.va.us**

SPECIAL NOTE TO READERS: The Virginia Register is now using a new Virginia Administrative Code (4C) numbering system for Virginia regulations. The VAC numbers replace the Virginia Regulation (VR) numbers used in the past. To assist readers in the transition to the new numbering system, DEQ UPDATE will publish the VAC numbers as they are assigned and the former VR numbers (in parentheses) in all references for the next few months. To obtain a list of DEQ regulations and their corresponding new VAC numbers, call 804-698-4378.

AIR REGULATIONS

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TITLE V AIR OPERATING PERMIT AND PERMIT FEE PROGRAMS (REVISION 11) - The State Air Pollution Control Board proposes revisions to Virginia's federal operating permit and permit fee programs for stationary sources. The revisions are necessary to comply with federal Clean Air Act (Title V) requirements. The revisions would replace emergency regulations adopted on October 16, 1995, which will expire in one year. A draft proposal was reviewed by the Air Board on January 18, 1996, and authorized to be advertised for public comment. The public comment period has closed. Final review by the Air Board is tentatively scheduled for the Board's August 13, 1996, meeting.

VAC Number: 9 VAC 5 Chapter 80 (VR 120-01, Revision II)
N.O.I.R.A. Published: December 11, 1995
Public Meeting: None held
Board Approval for Public Comment: January 18, 1996
Public Hearing on Draft Regulation: May 21, 1996
Public Comment Period Closed: June 14, 1996
Adoption by Air Board: (August 13, 1996)
Publication in Register: April 15, 1995
Contact: Robert Mann, (804) 698-4419

STATE OPERATING PERMITS (REVISION SS) - The State Air Pollution Control Board proposes to amend its state operating permit regulation to make it consistent with current federal requirements. The regulation provides a means to make control measures federally enforceable without federal review through the issuance of state operating permits. A draft regulation is being developed. Initial review by the Air Board has not yet been scheduled.

VAC Number: 9 VAC 5 Chapter 80 (VR 120-01, Revision SS)
N.O.I.R.A. Published: January 8, 1996
Public Meeting: Feb. 8, 1996
Board Approval for Public Comment: (October 1996)
Public Hearing on Draft Regulation: (April 1997)
Public Comment Period Closes: (June 1997)
Adoption by Air Board: (August 1997)
Most Recent Publication in Register: January 8, 1996
Contact: Kathleen Sands, (804) 698-4413

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NEW SOURCE REVIEW PERMITS FOR STATIONARY SOURCES (REVISION YY) - The State Air Pollution Control Board proposes to

amend the existing new source review permit regulation to make it consistent with federal requirements and the state objectives for the t program. New source review permits are required for p used new or expanded air pollution facilities and enable the state to conduct a preconstruction review of compliance with control technology and other standards, assess the impact of emissions and provide an enforceable mechanism to enforce permit program requirements. A draft regulation is being developed. Initial review by the Air Board has not yet been scheduled.

VAC Number: 9 VAC 5 Chapter 80 (VR 120-01, Revision YY)
N. O. R.A. Published: January 8, 1996
Public Meeting: Feb. 8, 1996
Board Approval for Public Comment: (October 1996)
Public Hearing on Draft Regulation: (April 1997)
Public Comment Period Closes: (June 1997)
Adoption by Air Board: (August 1997)
Most Recent Publication in Register: January 8, 1996
Contact: Mary E. Major, (804) 698-4423

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PREVENTION OF SIGNIFICANT DETERIORATION NEW SOURCE REVIEW PROGRAMS (REVISION UU) - The State Air Pollution Control Board proposes to amend the regulation for the control and abatement of air pollution (revision UU) to conform with recent federal changes regarding prevention of significant deterioration new source review. A draft regulation was reviewed by the Air Board on December 19, 1995. A public hearing was held July 23, 1996. Written comment will be accepted through August 9, 1996.

VAC Number: 9 VAC 5 Chapter 80 (VR 120-01, Rev. UU)
N. O. R.A. Published: October 16, 1995
Public Meeting: Nov. 15, 1995
Board Approval for Public Comment: December 19, 1995
Public Hearing on Draft Regulation: July 23, 1996
Public Comment Period Closes: August 9, 1996
Adoption by Air Board: (October 1996)
Most Recent Publication in Register: June 10, 1996
Contact Karen Sabasteanski, (804) 6984426

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NEW TECHNICAL DOCUMENTS AND STANDARDS INCORPORATED BY REFERENCE (REVISION LL) - The State Air Pollution Control Board proposes to amend the regulation for the control and abatement of air pollution (revision LL) to incorporate the latest technical references and standards (Appendix M). The amendments will ensure that Virginia's regulations are current and in conformance with federal requirements. A draft regulation was reviewed by the Air Board April 2, 1996, and authorized to be advertised for public comment. Dates and locations of public hearings will be published in a forthcoming edition of The Virginia Register.
VAC Number: 9 VAC 5 Chapter 20 (VR 120-01, Revision LL)
N.O.I.R.A. Published: Nov. 13, 1995
Public Meeting: Dec. 13, 1995
Board Approval for Public Comment: April 2, 1996
Public Hearing on Draft Regulation: (September 1996)
Public Comment Period Closes: (October 1996)
Adoption by Air Board: (December 1996)

Most Recent Publication in Register: Nov. 13, 1995
Contact: Karen Sabasteanski, (804) 6984426

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TEST AND REPAIR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM FOR NORTHERN VIRGINIA - The State Air Pollution Control Board proposes a regulation creating an enhanced test and repair emissions testing program for motor vehicles in Northern Virginia. Northern Virginia has been designated a "serious" ozone nonattainment area because of elevated levels of ground-level ozone. The vehicle emissions inspection and maintenance program is designed to reduce ozone by identifying vehicles that have high emissions resulting from malfunctions and requiring them to be repaired. A draft regulation was reviewed by the Air Board April 2, 1996, and authorized to be advertised for public comment. Public hearings will be held August 7, 1996, in Annandale; and August 8, 1996, in Leesburg and Stafford. Public comment will be accepted through September 9, 1996.

VAC Number: 9 VAC 5 Chapter 91 (VR 120-99-06)
N. O. I.R.A. Published: October 2, 1995
Public Meeting: Nov. 2, 1995
Board Approval for Public Comment: April 2, 1996
Public Hearing on Draft Regulation: August 7, 1996
Public Comment Period Closes: September 9, 1996
Adoption by Air Board: (October 1996)
Most Recent Publication in Register: July 8, 1996
Contact: David Kinsey, (804) 698-4432

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GENERAL ADMINISTRATION - The State Air Pollution Control Board proposes a regulation that will eliminate duplicate and inconsistent administrative policies and procedures for air quality regulatory programs. Such a regulation would save staff time, reduce paperwork and produce more efficient and economical staff operations. A public meeting was held and public comment received. A draft regulation is now being developed. Initial review by the Air Board is tentatively scheduled for the Board's August 1996 meeting.

VAC Number: 9 VAC 5 Chapter 170 (VR 120-50-01)
N.O.I.R.A. Published: April 3, 1995
Public Meeting: May 4, 1995
Board Approval for Public Comment: (August 1996)
Public Hearing on Draft Regulation: (January 1997)
Public Comment Period Closes: (February 1997)
Adoption by Air Board: (April 1997)
Most Recent Publication in Register: April 3, 1995
Contact: Kathleen Sands, (804) 6984413

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EMISSIONS TRADING AND BANKING - The State Air Pollution Control Board proposes a regulation creating a program that would permit buying, selling and banking of air emission reduction credits. Such a program would allow new and existing business sources to earn credits for reducing emissions, then to bank or trade those credits with other businesses. A draft regulation was reviewed by the Air Board on December 19, 1995, and authorized to be advertised for public comment. Dates and locations of public hearings will be published in a forthcoming edition of The Virginia Register.

VAC Number: 9 VAC 5 Chapter 140 (VR 120-50-04)
N.O.I.R.A. Published: December 26, 1994
Public Meeting: January 25, 1995
Board Approval for Public Comment: December 19, 1995
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Air Board: Not yet scheduled
Most Recent Publication in Register: December 26, 1994
Contact Mary E. Major, (804) 6984423

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CONFORMITY OF TRANSPORTATION PROJECTS WITH STATE AIR POLLUTION PLANS - In accordance with requirements of the federal Clean Air Act, the State Air Pollution Control Board proposes a regulation establishing criteria for determining whether federally funded transportation plans, programs and projects conform with state plans for reducing ozone formation in nonattainment areas. The public comment period has closed. Final review by the Air Board is tentatively scheduled for the Board's August 13, 1996, meeting.

VAC Number: 9 VAC 5 Chapter 150 (VR 120-50-02)
N.O.I.R.A. Published: May 30, 1994
Public Meeting: June 29, 1994
Board Approval for Public Comment: March 7, 1995
Public Hearing on Draft Regulation: April 8, 9, 1996
Public Comment Period Closed: May 3, 1996
Adoption by Air Board: (August 13, 1996)
Most Recent Publication in Register: March 4, 1996
Contact: Mary E. Major (804) 698-4423

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GENERAL CONFORMITY WITH STATE AIR POLLUTION PLANS - In accordance with requirements of the federal Clean Air Act, the State Air Pollution Control Board proposes a regulation establishing criteria for determining whether federal non-transportation projects conform with state plans for reducing ozone formation in nonattainment areas. Federal projects that may be affected include prescribed burning, military base closings and real estate development. The public comment period has closed. Final review by the Air Board is tentatively scheduled for the Board's August 13, 1996, meeting.

VAC Number: 9 VAC 5 Chapter 160 (VR 120-50-03)
N.O.I.R.A. Published: May 30, 1994
Public Meeting: June 29, 1994
Board Approval for Public Comment: March 7, 1995
Public Hearing on Draft Regulation: April 8, 9, 1996
Public Comment Period Closed: May 3, 1996
Adoption by Air Board: August 13, 1996
Most Recent Publication in Register: March 4, 1996
Contact: Karen Sabasteanski, (804) 6984426

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VEHICLE EMISSIONS INSPECTION AND MAINTENANCE FOR THE RICHMOND AREA - The State Air Pollution Control Board proposes to adopt a regulation establishing a program for testing emissions from motor vehicles in the Richmond area. A draft

regulation was reviewed by the Air Board Sept. 21, 1995, and authorized for public comment. Dates and locations of public hearings will be published in a forthcoming edition of The Virginia Registrar.

VAC Number: 9 VAC 5 Chapter 130 (VR 120-99-04)
N.O.I.R.A. Published: April 18, 1994
Public Meeting: May 18, 1994
Board Approval for Public Comment: Sept. 21, 1995
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Air Board: Not yet scheduled
Most Recent Publication in Register: April 18, 1994
Contact: David Kinsey, (804) 6984432

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ACID RAIN OPERATING PERMITS (REVISION PP) - The State Air Pollution Control Board proposes regulations establishing an operating permit program for acid rain sources. The operating permits, which are required by the federal Clean Air Act, would codify regulatory requirements limiting emissions for businesses and industries that release pollutants that are precursors to acid rain. Final review by the Air Board is tentatively scheduled for the Board's August 13, 1996, meeting.

VAC Number: 9 VAC 5 Chapter 80 (VR 120-01, Rev. PP)
N.O.I.R.A. Published: Oct. 4, 1993
Public Meeting: Dec. 1, 1993
Board Approval for Public Comment: June 27, 1995
Public Hearing on Draft Regulation: June 4, 1996
Public Comment Period Closes: June 28, 1996
Adoption by Air Board: August 13, 1996
Most Recent Publication in Register: April 29, 1996
Contact: Robert Mann, (804) 698-4419

WATER REGULATIONS

ABOVEGROUND STORAGE TANK AND TANK VESSEL REGULATIONS - The State Water Control Board proposes to repeal four existing regulations relating to oil pollution prevention and response, and combine the requirements into two new regulations. To be repealed are Oil Discharge Contingency Plans and Administrative Fees for Approval (VR 680-1 4-07); Tank Vessel Financial Responsibility Requirements and Administrative Fees for Approval (VR 680-14-08); Facility and Aboveground Storage Tank Registration Requirements (VR 680-14-1 2); and Aboveground Storage Tank Pollution Prevention Requirements (VR 680-14-1 3). Proposed regulations are Facility and Aboveground Storage Tank Requirements (9 VAC 25-90-10 [VR 680-14-07:1]) and Tank Vessel Requirements (9 VAC 25-100-10 [VR 680-14-08:1]). The intent is to provide more uniform, clearly written, understandable regulations, eliminate duplication, streamline government services and increase performance and efficiency. Draft regulations are being developed. Initial review by the Water Board has not yet been scheduled.

VAC Numbers: 9 VAC 25-90-10 (VR 680-14-07:1 O), 9 VAC 25-100-10 (VR 680-14-08:1)
N.O.I.R.A. Published: Nov. 27, 1995
Public Meetings: Feb. 13 and 15, 1996

DATES ARE BEST ESTIMATES AND SUBJECT TO CHANGE

Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: Nov. 27, 1995
Contact: David Ormes, (804) 6984263

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VPDES GENERAL PERMIT FOR CAR WASHES - The State Water Control Board proposes a regulation establishing a general VPDES permit governing wastewater discharges from car wash operations. A draft regulation was reviewed by the Water Board May 22, 1996, and authorized to be advertised for public comment. The dates and locations of public hearings will be published in a forthcoming edition of The Virginia Register.

VAC Number: Not yet assigned (VR 680-14-24)
N.O.I.R.A. Published: Sept. 18, 1995
Public Meeting: Oct. 18, 1995
Board Approval for Public Comment: May 22, 1996
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: Sept. 18, 1995
Contact: George Cosby, (804) 698467

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VPDES GENERAL PERMIT FOR READY-MIXED CONCRETE PLANTS - The State Water Control Board proposes a regulation establishing a general VPDES permit governing storm water and wastewater discharges from ready-mixed concrete manufacturing operations. A draft regulation was reviewed by the Water Board May 22, 1996, and authorized to be advertised for public comment. Dates and locations of public hearings will be published in a forthcoming edition of The Virginia Register.

VAC Number: Not yet assigned (VR 680-14-25)
N.O.I.R.A. Published: Sept. 18, 1995
Public Meeting: Oct. 18, 1995
Board Approval for Public Comment: May 22, 1996
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: Sept. 18, 1995
Contact: Lily Choi, (804) 6984054

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VPDES GENERAL PERMIT FOR FISH FARMS - The State Water Control Board proposes a regulation establishing a general VPDES permit governing wastewater discharges from fish farms. A draft regulation is being developed. Initial review by the Water Board is tentatively scheduled for the Board's September 1996 meeting.

VAC Number: Not yet assigned (VR 680-14-26)
N.O.I.R.A. Published: Sept. 18, 1995
Public Meeting: Oct. 18, 1995
Board Approval for Public Comment: (September 1996)

Public Hearing on Draft Regulation: (November 1996)
Public Comment Period Closes: (December 1996)
Adoption by Water Board: (March 1997)
Most Recent Publication in Register: Sept. 18, 1995
Contact: Michael Gregory, (804) 698-4065

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VPDES GENERAL PERMIT FOR COOLING WATER DISCHARGES - The State Water Control Board proposes a regulation establishing a general VPDES permit governing wastewater discharges of cooling water. A draft regulation is being developed. Initial review by the Water Board is tentatively scheduled for the Board's September 1996 meeting.

VAC Number: Not yet assigned (VR 680-14-27)
N.O.I.R.A. Published: Sept. 18, 1995
Public Meeting: Oct. 18, 1995
Board Approval for Public Comment (September 1996)
Public Hearing on Draft Regulation: (November 1996)
Public Comment Period Closes: (December 1996)
Adoption by Water Board: (March 1997)
Most Recent Publication in Register: Sept. 18, 1995
Contact: Lily Choi, (804) 6984054

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FEES FOR PERMITS AND CERTIFICATES - The State Water Control Board proposes to amend the existing permit fee regulation to better reflect the actual costs of permit review and issuance by incorporating recent statutory changes exempting agricultural operations and by establishing a schedule of reduced fees for reissuing permits to facilities complying with permit terms and conditions. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: 9 VAC 25-20-10 et seq. (VR 680-01-01)
N.O.I.R.A. Published: Sept. 4, 1995
Public Meeting: Oct. 12, 1995
Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: (November 1996)
Public Comment Period Closes: (December 1996)
Adoption by Water Board: (March 1997)
Most Recent Publication in Register: Sept. 4, 1995
Contact: Richard Ayers, (804) 698-4075

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WATER QUALITY STANDARDS: SITE-SPECIFIC AMMONIA STANDARD FOR SANDY BOTTOM BRANCH - The State Water Control Board proposes a regulation that would establish a site-specific ammonia standard for Sandy Bottom in Accomack County. The standard would allow discharges containing higher concentrations of ammonia than would be permitted by existing statewide water quality standards. Studies done in consultation with DEQ and EPA have indicated that the proposed higher standard will not harm aquatic life in Sandy Bottom. No environmental impact is anticipated. A draft regulation was reviewed by the Water Board March 21, 1996, and authorized to be advertised for public comment. Dates and locations of public hearings will be published in a forthcoming issue of The Virginia Register.

VAC Number: 9 VAC 25-260-310 (VR 680-2147.1)
N.O.I.R.A. Published: February 5, 1996
Board Approval for Public Comment March 21, 1996
Public Hearing on Draft Refutation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Effective Date: Not yet scheduled
Moat Recent Publication in Register: February 5, 1996
Contact: Alex Barron, (804) 6984119

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PETROLEUM UNDERGROUND STORAGE TANK FINANCIAL RESPONSIBILITY REQUIREMENTS - The State Water Control Board proposes a regulation that would amend existing financial responsibility requirements for petroleum underground storage tank facilities by providing a sliding scale based on gallons pumped annually. The regulation also would revise compliance dates. A proposed draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: 9 VAC 25-590-10 et seq. (VR 680-13-03)
N.O.I.R.A. Published August?, 1993
Public Meeting: Not yet scheduled
Board Approval for Public Comment Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Moat Recent Publication in Register: August 9, 1993
Contact: Mary-Ellen Kendall, (804) 698-4298

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VIRGINIA PETROLEUM STORAGE TANK FUND REQUIREMENTS - The State Water Control Board proposes a regulation that would expand guidelines for administering the Virginia Petroleum Storage Tank Fund (now a part of Section 21 of VR 680-13-03, Underground Storage Tank Financial Responsibility Requirements). The proposed refutation also would establish requirements for operators of exempt underground storage tanks and for facilities not regulated under the existing regulations. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-13-06)
N.O.I.R.A. Published August 9, 1993
Board Approval for Public Comment Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Moat Recent Publication in Register: August 9, 1993
Contact: Mary-Ellen Kendall, (804) 6984298

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GROUND WATER WITHDRAWAL REGULATION - The State Water Control Board proposes a refutation that would establish guidelines for permitting the withdrawal of ground water for agricultural and livestock operations. The regulation would amend existing ground water withdrawal requirements. A draft regulation is

being developed. Initial review by the Water Board has not yet been scheduled. This regulation is being reviewed under Executive Order No. 15, which will determine the future of this proposed regulation.

VAC Number: 9 VAC 25-610-10 et seq. (VR 680-13-07)
N.O.I.R.A. Published: Sept. 20, 1993
Public Meeting: Oct. 25, 26, 1993
Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: (November 1996)
Public Comment Period Closes: (December 1996)
Adoption by Water Board: (March 1997)
Moat Recent Publication in Register: Sept. 20, 1993
Contact: Terry Wagner, (804) 698-4043

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REPEAL OF TOXICS MANAGEMENT REGULATION - The State Water Control Board proposes to repeal the existing toxics management regulation. Toxics management in VPDES permits will be continued under the proposed new VPDES permit regulation (9 VAC 25-31-10 et seq. [VR 680-14-01,1]), The repeal was reviewed by the Water Board on March 21, 1994, and authorized to be advertised for public comment. Final consideration of the regulation was tabled by the Water Board May 22, 1996, for further review. A public meeting to receive additional comment on the proposed repeal was held July 24, 1996, in Richmond. The repeal is tentatively scheduled to be reconsidered by the Water Board at the Board's September 1996 meeting,

VAC Number: 9 VAC 25-50-10 et seq. (VR 680-14-03)
N.O.I.R.A. Published: August 9, 1993
Board Approval for Public Comment: March 21, 1994
Public Meeting on Draft Regulation July 24, 1996
Public Comment Period Closed: Sept. 25, 1995
Adoption by Water Board: (September 1996)
Moat Recent Publication in Register: July 24, 1995
Contact: Richard Ayers, (804) 698-4075

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FINANCIAL RESPONSIBILITY REQUIREMENTS FOR ABOVEGROUND STORAGE TANKS - The State Water Control Board proposes a regulation setting the amount of financial responsibility that owners of aboveground petroleum storage tanks must demonstrate to properly clean up and remediate an oil spill or leak. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-14-14)
N.O.I.R.A. Published: August 9, 1993
Board Approval for Public Comment Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Moat Recent Publication in Register: August 9, 1993
Contact: David Ormes, (804) 6984263

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SHENANDOAH RIVER SURFACE WATER MANAGEMENT AREA - The State Water Control Board proposes a regulation establishing a

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surface water management area for stretches of the Shenandoah River, including portions of the North Fork Shenandoah River and the South Fork Shenandoah River located in Clarke and Warren counties. The regulation would define the boundaries of the management area and set withdrawal limits to protect flow levels during droughts. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-15-04)
N.O.I.R.A. Published: August 9, 1993
Board Approval for Public Comment Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: August 9, 1993
Contact: Erlinda Patron, (804) 698-4047

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NORTH RIVER SURFACE WATER MANAGEMENT AREA - The State Water Control Board proposes a regulation establishing a surface water management area for the North River and all its tributaries above the confluence with the Middle River. The regulation would define the boundaries of the management area and set withdrawal limits to protect flow levels during droughts. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-15-05)
N.O.I.R.A. Published: August 9, 1993
Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: August 9, 1993
Contact: Erlinda Patron, (804) 698-4047

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JAMES RIVER SURFACE WATER MANAGEMENT AREA - The State Water Control Board proposes a regulation establishing a surface water management area for the James River in the Richmond metropolitan area. The regulation would define the boundaries of the management area and set withdrawal limits to protect flow levels during droughts. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-15-06)
N.O.I.R.A. Published: August 9, 1993
Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: August 9, 1993
Contact: Erlinda Patron, (804) 698-4047

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GENERAL VWP PERMIT FOR MINOR ROAD CROSSINGS - The State Water Control Board proposes a regulation establishing a

general Virginia Water Protection permit for minor road crossings. The regulation would set standard conditions for the construction of minor road crossings and their associated fills and stream channel modifications, including monitoring and reporting requirements, as well as simplify and streamline the regulatory process. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-15-07)
N.O.I.R.A. Published: August 23, 1993
Public Meetings: Sept. 27, 28, 29, 30, 1993
Board Approval for Public Comment Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: August 23, 1993
Contact: Joseph Hassell, (804) 698-4072

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SMITH-DAN SUBAREA WATER QUALITY MANAGEMENT PLAN - The State Water Control Board proposes a regulation establishing a new Smith-Dan Subarea Water Quality Management Plan. The Water Board also proposes to amend the Roanoke River Basin Water Quality Management Plan (VR 680-16-02) to delete references to the Smith-Dan Subarea. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-16-02.02)
N.O.I.R.A. Published: August 23, 1993
Public Meeting Held: Sept. 30, 1993
Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: August 23, 1993
Contact: Michael Scanlan, (540) 562-3666

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WATER QUALITY STANDARDS: TRIENNIAL REVIEW AMENDMENTS - The State Water Control Board proposes to amend existing water quality standards. The amendments would update classifications of trout waters and public water supplies and change language related to the triennial review of water quality standards. State and federal law require a complete review of water quality standards at least once every three years. Draft amendments were reviewed by the Water Board on March 21, 1994, and authorized to be advertised for public comment. Additional amendments were authorized at the Water Board's September 19, 1994, meeting. The public comment period has closed, and comments received are being evaluated. Final review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-21-00)
N.O.I.R.A. Published: August 9, 1993
Board Approval for Public Comment March 21, 1994; Sept. 19, 1994
Public Hearings on Draft Regulation: March 25, 26, 27, 28, 1996
Public Comment Period Closed: April 22, 1996
Adoption by Water Board: Not yet scheduled

DATES ARE BEST EST/MATES AND SUBJECT TO CHANGE

Moat Recent Publication in **Register**: February 5, 1996
Contact: Eleanore Daub, (804) 6984111

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WATER QUALITY STANDARDS: EXCEPTIONAL WATERS DESIGNATION - The State Water Control Board proposes amendments to existing water quality standards that would designate five surface waters for special protection as exceptional resource waters. The designation would ensure that no water quality degradation can occur. The five waters are the Moormans River in Albemarle County and Shenandoah National Park; Stewarts Creek and Crooked Creek in Carroll County and in land owned by the Department of Game and Inland Fisheries; Whitetop Laurel Creek in Washington County and Jefferson National Forest; and North Creek in Glenwood Ranger District of Jefferson National Forest in Botetourt County. On March 28, 1995, the Water Board voted to defer action on nominations for exceptional waters pending additional board consideration of private property owner notification issues and final resolution of 9 VAC 25-260-30 et seq. (VR 680-21-01 .3.C.1) (below).

VAC Number: 9 VAC 25-260-30 et seq. (VR 680-21-01 .3.C.3)
N.O.I.R.A. Published: August 9, 1993
Board Approval for **Public Comment** Oct. 25, 1993
Public Hearings on Draft Regulation: March 10,15,16,17,22, 1994
Public Comment Period Closes: April 11, 1994
scheduled Adoption by Water Board: Not yet scheduled
Most Recent Publication in **Register**: Feb. 7, 1994
Contact: Jean Gregory, (804) 698-4113

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WATER QUALITY STANDARDS: EXCEPTIONAL WATERS LOCAL GOVERNMENT REVIEW PROCESS - The State Water Control Board proposes an amendment to existing water quality standards that would increase the participation of local governments in the nomination and designation process for exceptional resource waters. The amendment would offer local governments the opportunity to determine whether a proposed exceptional waters nomination is consistent with local comprehensive plans. A draft regulation has been developed, was reviewed by the Water Board on December 5, 1994, and authorized to be advertised for public comment. The proposal is temporarily on hold pending results of committee efforts on notification of private property owners.

VAC Number: 9 VAC 25-260-30 et seq. (VR 680-21-01 .3.C.1)
N.O.I.R.A. Published: Feb. 21, 1994
Public Meetings: March 22, 23, 1994
Board Approval for **Public Comment**: December 5, 1994
Public Hearing on Draft Regulation: Not yet **scheduled**
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in **Register**: Feb. 21, 1994
Contact: Jean Gregory, (804) 6984113

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POLICY FOR THE POTOMAC EMBAYMENTS - The State Water Control Board proposes a new regulation that would replace two existing regulations within the Commonwealth's Water Quality Standards Potomac Embayment Standards (VR 680-21 -07.1 .b) and

Potomac Enforcement Conference-Recommendation 1 (VR 680-21-07,1 f). The proposed regulation would include maximum effluent limits for CBOD₅, TSS, P, and seasonal NH₃ for discharges to affected waters. A draft regulation was reviewed by the Water Board September 19, 1994, and authorized to be advertised for public comment. The public comment period has closed. Final review by the Water Board is tentatively scheduled for September 1996.

VAC Number: Not yet assigned (VR 680-11-06)
N.O.I.R.A. Published: August 9, 1993
Public Meetings: Sept. 16, 1993; April 20, 1994
Board Approval for Public Comment Sept. 19, 1994
Public Hearing on Draft Regulation: March 28, 1996
Public Comment Period Closed April 22, 1996
Adoption by Water Board: (September 1996)
Most Recent Publication In **Register**: February 5, 1996
Contact: Tom Faha, (703) 490-8922

WASTE REGULATIONS

VOLUNTARY REMEDIATION - The Virginia Waste Management Board proposes a regulation to allow persons who own, operate, have a security interest in or a contract for the purchase of contaminated property to voluntarily remediate releases of hazardous substances, hazardous waste, solid waste or petroleum. The regulation would establish standards and procedures for conducting voluntary remediation at sites where cleanup has not been otherwise clearly mandated by state or federal agencies or laws. The regulation is a requirement of the 1995 General Assembly. A public meeting to discuss the intent and development of the regulation has been held and public comment received. A draft regulation is being developed. Initial review by the Waste Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 672-70-1)
N.O.I.R.A. Published: February 19, 1996
Public Meeting: March 20, 1996
Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Waste Board: Not yet scheduled
Moat Recent Publication in Register: Feb. 19, 1996
Contact: Walt Gulevich, (804) 6984218

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SOLID WASTE MANAGEMENT REGULATIONS, AMENDMENT 2- The Virginia Waste Management Board proposes to amend sections of the state's solid waste management regulations that are not mandated by state or federal laws; are not essential to protect health, safety or welfare of citizens; or are not essential for the efficient and economical performance of important government functions. The Board also proposes to consider less burdensome or intrusive alternatives to sections on ground water monitoring requirements and to improve the clarity of the regulations. A draft regulation is being developed. Initial review by the Waste Board has not yet been scheduled,

VAC Number: 9 VAC 20-80-10 et seq. (VR 672-20-10, Amend. 2)
N.O.I.R.A. Published: Sept. 18, 1995
Public Meeting: Oct. 19, 1995
Board Approval for Public Comment Not yet scheduled

DATES ARE BEST ESTIMATES AND SUBJECT TO CHANGE

Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Waste Board: Not yet scheduled
Most Recent Publication in Register: Sept. 18, 1995
Contact: Wait Gulevich, (804) 6964218

HAZARDOUS WASTE MANAGEMENT Refutations, AMENDMENT 14 (WASTE OIL, RECYCLING, ETC.) - The Virginia Waste Management Board proposes amendments to existing hazardous waste management regulations to reflect recent changes to federal regulations, including those for waste oil recycling and the universal waste rule. A draft regulation was reviewed by the Waste Board November 7, 1994, and authorized to be advertised for public comment. A draft proposal was reviewed by the Waste Board on January 4, 1996, and authorized to be advertised for public comment. Dates and location of public hearings will be published in a forthcoming edition of The Virginia Register.

VAC Number: 9 VAC 2MO-100 et seq. (VR 672-10-1, Amend. 14)
N.O.I.R.A. Published: Sept. 6, 1993
Public Meeting: Oct. 6, 1993
Board Approval for Public Comment: January 4, 1998
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Waste Board: Not yet scheduled
Most Recent Publication in Register: Sept. 6, 1993
Contact: Robert Wickline, (804) 6964213

FINANCIAL ASSURANCE REGULATIONS FOR SOLID WASTE DISPOSAL FACILITIES (SANITARY LANDFILLS) - The Virginia Waste Management Board proposes amendments to existing regulations that would establish financial assurance requirements for municipal solid waste landfills. The amendments would address liability coverage, applicability of requirements and mechanisms for establishing funds for landfill closures and post-closure care. The amendments are necessary to comply with changes in the federal Resource Conservation and Recovery Act. Drafting of a proposed

regulation is pending a decision by the Environmental Protection Agency on alternative financial assurance mechanisms for local governments.

VAC Number: 9 VAC 20-70-10 et seq. (VR 672-20-1)
N.O.I.R.A. Published: July 12, 1993
Public Meeting: August 17, 1993
Board Approval for Public Hearing: (January 1997)
Public Hearing on Draft Regulation: (March 1997)
Public Comment Period Closes: (June 1997)
Adoption by Waste Board: (August 1997)
Most Recent Publication in Register: July 12, 1993
Contact: Wait Gulevich, (804) 698+218

Vegetative WASTE - The Virginia Waste Management Board proposes a regulation establishing standards for the siting, design, construction, operation and closure of certain vegetative waste management facilities, including yard waste composting operations. The regulation also would create a simplified "permit by rule" process for such facilities and provide criteria for certain operations to be exempt from regulation. Concurrent with the adoption of this proposed regulation is the proposed repeal of the existing vegetative waste regulation, 9 VAC 20-100 et seq. (VR 672-20-32). A draft proposal was amended and reviewed by the Waste Board on January 4, 1996, and authorized to be advertised for public comment. Public hearings were held July 29, 1996, in Leesburg; July 30, 1996, in Williamsburg; and August 1, 1996, in Roanoke. Public comment will be accepted through August 23, 1996.

VAC Number: Not yet assigned (VR 672-20-33)
N.O.I.R.A. Published: Sept. 6, 1993
Public Meeting: Oct. 7, 1993
Board Approval for Public Comment: January 4, 1998
Public Hearing on Draft Regulation: July 29, 30; August 1, 1996
Public Comment Period Closes: August 23, 1998
Adoption by Waste Board: Not yet scheduled
Most Recent Publication in Register: Sept. 6, 1993
Contact: Robert Wickline, (804) 698-4213

APPENDIX

The Regulatory Adoption Process

The adoption, change or repeal of any regulation by a Virginia agency must be conducted in accordance with the Virginia Administrative Process Act (unless the agency specifically is exempted by the Act) and with the agency's own public participation guidelines. In addition, the Governor is required by statute to establish procedures for Executive Branch review of agency regulations. Generally, the adoption process, which can take more than a year to complete, includes several steps:

■ **NOTICE OF INTENDED REGULATORY ACTION (N.O.I.R.A.)** - The Administrative Process Act requires an agency to signal publicly its intent to adopt change or repeal any regulation by publishing a Notice of Intended Regulatory Action in The Virginia Register of Regulations. The published notice must state the topic and purpose of the planned regulation and seek written public comment for a period of not less than 30 days from the date of publication in The Virginia Register.

■ **PUBLIC MEETING** - After publication of the Notice of intended Regulatory Action, the agency may choose to hold one or more public meetings to answer questions about the intent of the proposed regulation and to receive public comment. These optional public

meetings, which are held no earlier than 30 days after the Notice of intended Regulatory Action is published, are informal, pre-registration for speaking is not required, and testimony is not recorded. Times and locations of the meetings are included in the Notice of Intended Regulatory Action.

■ **FIRST REVIEW BY BOARD** - After a proposed regulation has been drafted by the agency (typically with the substance of an advisory panel composed of interested citizens and other parties), the proposed regulation is reviewed by the appropriate OEQ citizens board (State Air Pollution Control Board, Waste Management Board, State Water Control Board) and voted upon during an open and publicly called meeting of the board. An affirmative vote means the draft regulation will be published and advertised for public comment in The Virginia Register and newspapers of general circulation. Copies of the proposed regulation are made available for public review. The proposed regulation also is sent to the Governor's Office and the Department of Planning and Budget.

■ **PUBLIC COMMENT PERIOD** - The public comment period lasts a minimum of 60 days after publication of the proposed regulation in The Virginia Register and includes at least one public hearing.

DEQ Calendar

Following is a list of upcoming public meetings sponsored by or affiliated with the Department of Environmental Quality. Calendar listings are as accurate as possible at time of publication but are subject to change. The calendar is produced monthly by DEQ's office of external affairs, 804698-4446.

AUGUST

- 1 Public hearing, vegetative waste management and yard waste composting regulation, Roanoke County Administrative Center, Board Room, 5204 Bernard Drive, Roanoke, 10 a.m.
- 7 Public hearing, Northern Virginia vehicle emissions inspection regulation, Northern Virginia Community College, Forum Room, 8333 Little River Turnpike, Annandale, 7 p.m.
- 8 Public hearing, Northern Virginia vehicle emissions inspection regulation, Loudoun County Government Center, Board Room, 1 Harrison Street, Leesburg, 10 a.m.; Stafford County Administration Center, Board Room, 1300 Courthouse Road, Stafford, 7 p.m.
- 12 Public hearing, air emissions permit for Vaughan Furniture Co. Inc., Patrick County Administration Building, 2nd Floor, Rucker Street, Stuart, 6:30 p.m.
- 13 Air Pollution Control Board, General Assembly Building, House Room C, Capitol Square, Richmond, 9 a.m.
- 15 Public hearing, revisions to Hampton Roads air quality maintenance plan in support of ozone nonattainment redesignation request, Hampton Roads Planning District Commission, Regional Building, 723 Woodlake Drive, Chesapeake, 10 a.m.
- 15 Public hearing, air operating permits for Virginia Power's Chesapeake Energy Center and Yorktown Power Station, Hampton Roads Planning District Commission, Regional Building, 723 Woodlake Drive, Chesapeake, 10 a.m.
- 15 Public hearing, reasonably available control technology (RACT) air emission controls for Washington Gas Co., DEQ, 6225 Brandon Avenue, Suite 310, Springfield, 2 p.m.
- 19 Recycling Markets Development Council, subcommittee on goals, call Paddy Katzen at 804-6984488 for details.

SEPTEMBER

- 10 State Water Control Board, General Assembly Building, House Room C, Capitol Square, Richmond, 9 a.m. (tentative)
- 10 State Advisory Board on Air Pollution, DMV, 2300 West Broad Street, Richmond, 9 a.m.
- 17 Virginia Ground Water Protection Steering Committee, State Corporation Commission, 8th floor conference room, 1300 East Main Street, Richmond, 9 a.m.

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This document was funded in part by the Department of Environmental Quality's Coastal Resources Management Program through grant #NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972 as amended.

